

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of	)	Examiner: Not yet assigned
Burbank et al.	)	
	)	Group Art Unit: Not yet assigned
For: <b>TISSUE ACCESSING AND</b>	)	
<b>ANCHORING DEVICE AND METHOD</b>	)	
Serial No.: Not yet assigned	)	
Filed: Concurrently	)	
Atty. Docket. No.: R0367-02501	)	

**REQUEST FOR FILING A**  
**DIVISIONAL APPLICATION**  
**UNDER 37 C.F.R. § 1.53(b)**

Express Mail Label No.: ER 205012947 US  
Mailed in San Francisco, CA on *December 5, 2003*

Mail Stop PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is a request for filing a divisional application under 37 C.F.R. § 1.53(b), of copending prior application Serial No. 09/880,218, filed June 12, 2001, which is a continuation-in-part of pending prior application Serial No. 09/146,185, filed September 1, 1998, now U.S. Patent No. 6,540,693; application Serial No. 09/159,467, filed September 23, 1998, now U.S. Patent No. 6,261,241; application Serial No. 09/356,187, filed July 16, 1999, now U.S. Patent No. 6,312,429; and application Serial No. 09/477,255, filed January 4, 2000, now U.S. Patent No. 6,471,70; and application Serial No. 09/727,112, filed November 29, 2000, now U.S. Patent No. 6,638,234 by Fred H. Burbank, Paul Lubock, John Wardle, Frank Louw and Richard L. Quick for **TISSUE ACCESSING AND ANCHORING DEVICE AND METHOD**, which is incorporated herein in its entirety.

1. Enclosed is a true copy of the prior complete application as filed, including the specification (including claims), drawings, oath or declaration showing the signature or an indication it was signed, and any amendments referred to in the oath or declaration filed to complete the prior application.

2. This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above. With respect to the prior copending U.S. application from which this application claims benefit under 35 U.S.C. § 120, the inventor(s) in this application is (are):

☒ the same as those named in the prior application.

☐ less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:

3. ☒ The filing fees are to be calculated on the claims as filed in the prior application and the claims remaining as a result of the:

☐ amendment below;

☒ attached Preliminary Amendment.

Description	Fee Code	Claims	Extra	Rate	Fee
Basic Filing Fee	2001				\$385
Independent Claims	2201	4 - 3=	1 x	\$43=	\$43
Total Claims	2202	30 -20=	10 x	\$ 9=	\$90

**Total Fees Due .....\$518**

4. Payment of Filing Fees:

☒ The Commissioner is authorized to charge any fees and to credit any overpayment of fees which may be required under 37 C.F.R. §1.16 and §1.17, to Deposit Account No. 04-1679, referencing Atty. Docket No. R0367-02501. **A duplicate copy of this paper is attached.**

5. The prior application is assigned of record to: **SenoRx, Inc.**

6. The power of attorney in the prior application is to: **Edward J. Lynch.**

☒ The power appears in the original papers in the prior application.

☐ Power of Attorney and Revocation of Prior Powers.

7. Please address all future correspondence to:

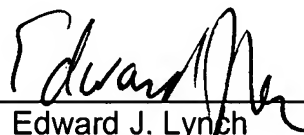
Edward J. Lynch  
DUANE MORRIS LLP  
One Market  
Spear Tower, Suite 2000  
San Francisco, CA 94105

8. Documents enclosed:

- ☒ Copy of prior complete application as filed including the specification (31 pages), claims (10 pages), and abstract (1 page) and signed Declaration and Power of Attorney (4 pages total).
- ☒ Submission Of Formal Drawings;
- ☒ Twenty-six (26) Sheets of formal drawings as filed in prior application;
- ☒ Declaration And Power of Attorney as filed in prior application.
- ☒ Change of Correspondence Address;
- ☒ Preliminary Amendment and Information Disclosure Statement;
- ☒ Form PTO-1449; and
- ☒ Return receipt postcard.

Respectfully submitted,

By: \_\_\_\_\_

  
Edward J. Lynch  
Registration No. 24,422  
Attorney for Applicants

DUANE MORRIS LLP  
One Market  
Spear Tower, Suite 2000  
San Francisco, CA 94105  
Telephone: (415) 371-2200  
Facsimile: (415) 371-2201  
Direct Dial: (415) 371-2267

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of	)	Examiner: Not yet assigned
Burbank et al.	)	
	)	Group Art Unit: Not yet assigned
For: <b>TISSUE ACCESSING AND</b>	)	
<b>ANCHORING DEVICE AND METHOD</b>	)	
Serial No.: Not yet assigned	)	
Filed: Concurrently	)	<b><u>CHANGE OF</u></b>
	)	<b><u>CORRESPONDENCE ADDRESS</u></b>
Atty. Docket No.: R0367-02501	)	

EXPRESS MAIL LABEL NO.: ER 205012947 US

Mailed in San Francisco on *December 5, 2003*

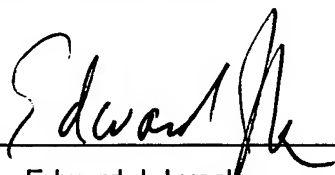
Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Please address future correspondence for this application as follow:

Edward J. Lynch  
DUANE MORRIS LLP  
One Market  
Spear Tower, Ste. 2000  
San Francisco, CA 94105  
**Direct Dial: (415) 371-2267**

Respectfully submitted,

By:   
Edward J. Lynch  
Registration No. 24,422  
Attorney for Applicants

DUANE MORRIS LLP  
One Market  
Spear Tower, Ste. 2000  
San Francisco, CA 94109  
Telephone: (415) 371-2200  
Facsimile: (415) 371-2201  
**Direct Dial: (415) 371-2267**

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of	)	Examiner: Not yet assigned
Burbank et al.	)	
	)	Group Art Unit: Not yet assigned
For: <b>TISSUE ACCESSING AND</b>	)	
<b>ANCHORING DEVICE AND METHOD</b>	)	
Serial No.: Not yet assigned	)	
Filed: Concurrently	)	<b><u>SUBMISSION OF</u></b>
	)	<b><u>FORMAL DRAWINGS</u></b>
Atty. Docket No.: R0367.02501	)	

---

EXPRESS MAIL LABEL NO.: ER 205012947 US

Mailed in San Francisco, CA on December 5, 2003

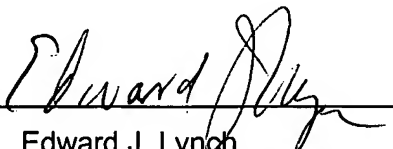
Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Enclosed herewith are twenty-six (26) sheets of formal drawings, as filed in the pending prior U.S. application Serial No. 09/880,218 for submission in the above-identified application.

Respectfully submitted,

By: \_\_\_\_\_

  
Edward J. Lynch  
Registration No. 24,422  
Attorney for Applicants

DUANE MORRIS LLP  
One Market  
Spear Tower, Ste. 2000  
San Francisco, CA 94109  
Telephone: (415) 371-2200  
Facsimile: (415) 371-2201  
Direct Dial: (415) 371-2267